

# NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

## Minutes of Meeting

September 12, 2003

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### Attendance:

Robert Clegg, Chairman, Department of Safety  
Tyler Carlisle, Board of Engineers, licensed electrical engineer  
John Tuttle, NH Home Builders Association, Architectural designer – residential  
Wes Golomb, State energy conservation code office  
Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber  
Michael J. Howard, Chief, NH Association of Fire Chiefs  
Ray S. Cowan, PE, Board of Engineers  
Richard W. Swain, NH Plumbing and Mechanical Contractors Association

### Guests:

Marta Modigliani, Attorney, Department of Safety, Office of the Commissioner  
Donald Bliss, Fire Marshal, Dept of Safety, Division of Fire Safety and Emergency Management

With a quorum of the Board present, Chairman Clegg so declared and called the meeting to order at 10:05. Notice of the public hearing / meeting was posted at the Department of Safety and State House, the State Fire Academy, the New Hampshire Rule Making Register and the Legislative Office Building a minimum of 2 weeks prior to scheduled meeting date.

Chairman Clegg welcomed Chief Howard, a new member, from the NH Association of Fire Chiefs.

### PUBLIC HEARING:

#### *Proposed amendment of NH State Building code – Amend the International Plumbing Code 2000:*

Tedd Evans stated that the proposal is to delete an exception relative to one and two family dwellings in relation to the Plumbing Code. The Plumbing Code, by statute, does extend to 1 and 2 family dwellings, but there is an exemption in the International Code 2000 that reads, 'the attached 1 and 2 family dwelling, and multiple single family dwelling (town houses), not more than 3 stories high, with separate means of egress in their accessory structure, shall comply with the International Residential Code.' That exemption is what is to be deleted, because it does not apply.

Chairman Clegg asked if there were any more questions, comments, or if anyone else wanted to speak on this proposed amendment. There being none, declared the public hearing closed.

### PUBLIC HEARING closed.

### REGULAR BUSINESS:

Adoption of the minutes of August 8, 2003:

Tedd Evans made the **motion** that the minutes be accepted as written. Motion was **seconded** by Wes Golomb. There being no additions, deletions, changes, Chairman Clegg asked for a vote to accept the minutes. Vote was in the affirmative and so declared by the Chair.

Proposed amendment of NH State Building code – Amend the International Plumbing Code 2000:

**Exhibit 9.** Chairman Clegg asked for a **motion** on the proposed amendment. "Someone" **moved** that the proposed amendment be accepted. **Motion** was **seconded** by Rick Swain. The Chair asked for discussion, comments and questions. Chairman Clegg wanted to make sure for the record that we inadvertently made it look like there was no plumbing code for 1 and 2 family homes, and this proposed amendment corrects that. Tedd Evans stated that was correct. There being no further discussion, Chairman Clegg asked for a vote. Vote was unanimous and so declared by the Chair.

The amendment will be posted to the Building Code Web-site as soon as practical.

**OLD BUSINESS**

Section of revised NH Fire Code – should have been deleted:

Tedd Evans made the **Motion** to table this item until next meeting when Jerry Tepe will be in attendance. **Motion** was **seconded** by Ray Cowan. Vote was unanimous and so declared by the Chair. It will be brought up at the next meeting.

Modular Building Code (Saf-C 3300) – discussion:

Marta Modigliani said this is continued from last month's meeting, and Don Bliss was going to get some more information. Donald Bliss, State Fire Marshal, stated that the issue on the Modular Rules have to do with stair geometry. The 'low-end' units, would pose a problem for the size of those units, costs, transport costs, etc. At that time the Commissioner of Safety amended the Modular Building Rules to allow an option for manufacturers to use the new stair geometry, or the old. Through an oversight, when the new law amended RSA 205-C the Commissioner's Rule making authority to amend the BOCA National Building Code was repealed. It is their recommendation that we seek Legislative change to allow the Commissioner Rule Making authority to amend the Modular Building Code, and then go back in for Rules that would allow that choice on stair geometry. There would be no safety issue with people in those types of units. John Tuttle thought that the State Fire Marshal's office governed over the Modular Code and its not a governing practice of the State Building Code Review Board. Don Bliss stated that this was a practice that was established when this Board was created, that any issues related to the Fire Code or the Modular Building, as a courtesy, and for maximum amount of public input, would come through this Board. Tedd Evans: when the industry says there is a cost issue, and the Fire Marshal's office says there is not a safety issue, it seems that new geometry is developed as a result of safety studies.

Joe Landers, a former member of the Board, representing the National Association of Home Builders: the Association lobbied hard for no change because it was seen as having a dramatic effect on affordable housing, in terms of changes in sizes of housing in order to accommodate and expanded stair. By making the stair change it adds 14 or 15 hundred dollars per unit for changes in floor plans because of the expanded length, rise and runs.

Chairman Clegg: would this be putting anybody in jeopardy by staying with the old geometry.

Don Bliss: No. The maximum stair geometry of 8 ¼ - 9, is consistent with 'pre' 1996 BOCA. The Codes all supported a 9" tread. The BOCA standard is 7 ½ - 10, as a maximum (rise), with the 10 as a minimum tread. This is for single family homes only.

Tedd Evans: if building a single family residence in NH, its going to be built under the IRC of the local community because they have adopted it, or its not going to build it under any Code. By allowing this amendment it will give a 3<sup>rd</sup> choice, and this Board is trying to make Code uniform.

Joe Landers: The Rules and Regulations (Fire Marshal's) are not meant to supercede the local communities. If their regulations are more stringent, then the building systems industry has to comply with the local regulations.

Don Bliss: The Fire Marshal's office maintains a data base with all local exceptions. In order for that restriction to take effect over the modular, the local community has to notify the Fire Marshal's office, they then notify all the licensed approved manufacturers, and 3<sup>rd</sup> party inspection agencies from the date of that notification, they have 180 days to come into compliance. What is comes down to is we are weighing the cost/ affordability issue vs. the net gain in safety.

Michael Howard: While this is going through the process, what will transpire, and what will we enforce?

Chairman Clegg: It was never the intent of the Legislature to take control of manufactured housing, especially, 1 and 2 family which is beyond the privy of the Board, and our intent to work with everybody, and have this Board understand what was happening with the Code, everybody agreed to come before this Board to speak. All the bodies in NH that deal with these Codes, would come to this Board before they go to Rules, for Rules change to get our input.

Tedd Evans made a **motion** to table this issue until the Board has more members in attendance that are familiar with this issue. There was no **second**.

Marta Modigliani: there would be a concern if delaying this – it may expire before we can resolve it, if we put it up another month. Chairman Clegg for clarification indicated that it was the Modular Building Rules. Chairman Clegg directed Marta to continue to get it to JLCAR, he will speak to them in October (the 16<sup>th</sup>) with Don Bliss. Marta also confirmed that at the Public Hearing held on these Rules, there was neither anyone for or against it. The stair geometry was in the proposal – as a result of annotations from staff attorneys.

Tyler Carlisle **moved** that the Fire Marshal be encouraged to continue the approach to get the release necessary to go to the 8 ½ x 9 stair geometry. Chairman Clegg said that he could not take a motion, but asked the Board if everyone was in favor. There was no objection. It will be on the Agenda for next month.

## **NEW BUSINESS**

### Approval of final proposal – Bcr 100:

The Rules handed out to Board members are copies of Marta's actual mark-up copy. Marta went over and explained all of the changes to the Board members. Chairman Clegg said that he wanted to keep in "the board may appoint voluntary non-board members to a committee, they shall not have a vote . . ." And he disagreed that we can not reserve Agency discretion. Also want to keep in "shall be available . . ." for inspection during regular business hours. Gary Brenner stated that there is a period of 5-days that you can use to let a person know weather or not you will be complying with their request, during with a Board could decide if it was confidential or not, any issues like that. Marta will re-work it and bring it up at the next meeting with the 200's.

### Approval of final proposal – Bcr 200:

Chairman Clegg told the Board to take both the Bcr 100 and the Bcr 200 home to review each, and will be on the agenda for the next months meeting.

## OTHER BUSINESS

Tedd Evans reported they have been busy at work with their contribution to the Q&A page. Chairman Clegg instructed the Board members to take these with them as well, and they also will be put on the agenda for next months meeting.

Wes Golomb shared with the Board some draft rules they are working on – and wanted to go over one particular area where he thinks there might be a question. IBCC 2000 Rules is as follows: area of sun room and on page 2, 1801.12 and 13 and again on addition 6D – the bottom line, as the Code reads now there would be no provision for a sun room that is going to be greater than 40% glazing (glass), and needless to say the sun room association does not like this and has been working for years with the IBCC to come up with compromise language, which will be in the 2003 Code, and I propose that we adopt that language. No comments have been received and they are looking for some. Wes will send it the Chairman for his review. Wes will copy the Board members with attachment(s) and web-site address to review prior to meeting.

Ray Cowan informed the Board that this will be his last meeting. He will be retiring. A replacement nomination is in the works, and if it goes through the new person will be here next meeting, if not, he will attend. Chairman Clegg his regrets at seeing him leave the Board, and expressed his and the Boards sincere appreciation for serving.

Chairman Clegg informed the Board that we are getting email from individuals, building inspectors etc, and there is no one here at Safety who is knowledgeable enough in these areas to interpret for them. We do not want to get into doing that. We are looking for experts in the different area where a question can be forward to for response. This will be taken up at next months meeting.

**Motion** was made by Tyler Carlisle to adjourn. There being no objection, Chairman Clegg asked for a voice vote. Voice vote was unanimous and declared meeting adjourned.